

26701

CS-3T

SURNAMES HENDERLEY C. WILSON		DATE 7/12/53		EPA Form 1320-1 (12-70)	
FURTHER ADVISED THAT PROVISION CONCURRENCES FICTITIOUS, OR FRAUDULENT STATEMENTS OR REPRESENTATIONS MAY SUBJECT YOU TO - SYNDICATED PENALTIES OF UP TO TEN THOUSAND DOLLARS (\$10,000)		EFRB M. Johnson 7123		OFFICIAL FILE COPY	

OFFICIAL FILE COPY

or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. The relevant time period for this request is 1967 through 1985. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

Ms. Linda Beasley  
Emergency Support Section  
U.S. Environmental Protection Agency, HSE-5J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

If you have questions concerning this information request, please direct them to Linda Beasley at (312) 353-2071. If you have any legal questions, kindly contact Cynthia Kawakami at (312) 886-0564.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

Richard Karl, Acting Chief  
Emergency Response Branch

Enclosure

bcc: Cynthia Kawakami, ORC (CS-3T)  
William Simes, EERB (HSE-5J)  
Linda Beasley, ESS (HSE-5J)  
Shirley Dorsey, CRS (HSM-5J)  
Toni Lesser, Public Affairs (P-19J)  
Alicia Corley, SETS (OS505)  
EERB Site File  
EERB Read File  
Fred Policarpio (HSMA-5J) w/o attachments

## INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify the person(s) answering the question.
4. In answering each Information Request, identify all contributing sources of information.
5. In answering each Information Request, identify all persons consulted in the preparation of the answers to these Information Requests.
6. The Information Requests must be responded to on the basis of all information and documents in Respondent's possession, custody or control or in the possession, custody or control of its former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to the Respondent, regardless of whether it is based on personal knowledge, and regardless of source.
7. If there is reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons, including current (or last known) address and telephone numbers.
8. Identify all documents consulted, examined, or referred to in the preparation of each response to each Information Request, or that contain information responsive to each Information Request and provide to U.S. EPA true and accurate copies of all such documents regardless of whether it is based on personal knowledge, and regardless of source.
9. For each document produced in response to an Information Request, indicate on the document, or in some other reasonable manner, the corresponding number of the Information Request to which it responds.
10. If any documents requested herein have been transferred voluntarily or involuntarily to others and are not being produced, or have been otherwise disposed of, identify each such document, identify the person or organization to whom it was transferred, describe the disposition, and state the date or approximate date of such transfer or other disposition.

11. The response to this Information Request should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations regarding hazardous substance, pollutant, contaminant, or material use, storage, treatment, releases, spills, disposal or handling practices of the Respondent between 1967 and 1985. To the extent that any information is based on personal knowledge, or the personal knowledge of employees, agents, or other representatives, Respondent shall submit this information in the form of a notarized affidavit.
12. Should information that is not known or is unavailable to the Respondent as of the date of submission of a response to this Information Request later become known by or become available to the Respondent, Respondent must supplement its response to U.S. EPA. Moreover, should Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA of this fact as soon as possible and provide U.S. EPA with a corrected response.
13. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA. In order to facilitate handling of any claimed confidential business or financial information, please provide such information on separate pages and group all such pages together in one portion of the response. Clearly identify the

information as confidential by placing the word "confidential" in the upper right hand corner of the first page containing the information and on the cover letter transmitting it.

#### DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "arrangement" means every separate contract or other agreement between two or more persons.
2. The term "disposal" or "dispose" shall have the same definition as that contained in Section 1004(3) of RCRA, 42 U.S.C. § 6903(3).
3. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document
4. The term "Conservation Chemical Company of Illinois Site" or "the Site" shall mean and include the entire property on which the Conservation Chemical Company of Illinois is presently located. The formal address of

Conservation Chemical Company of Illinois is 6500 Industrial Highway, Gary, Indiana. The Site encompasses a triangular four-acre parcel of land, and is bounded on the west and southeast sides by the Elgin, Joliet and Eastern Railroad right-of-ways and on the northeast side by a vacant industrial lot. The Gary Municipal Airport borders the site along the southeast side.

5. The terms "furnish" or "provide" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
6. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
7. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
8. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known place of employment, business address, business telephone number, job title, position or business, and a brief description of the job responsibilities of such person.
9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.
10. The terms "identify" or "describe" mean, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

11. The term "materials" shall mean all substances that have been generated, treated, stored, disposed of, or otherwise handled at or transported to the Site, including, but not limited to all hazardous substances, pollutants, contaminants, hazardous wastes and solid wastes, as defined above.
12. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, proprietorship, trust, governmental entity, or any other organization, unless the context indicates otherwise.
13. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
14. The term "release" has the same meaning as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.
15. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
16. The terms "transaction" or "transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, or change in possession.
17. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, parent corporation, agents, and controlling entities.
18. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular



shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 42 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

#### REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, contaminants, or materials at the Site.
6. Describe all arrangements that you may have had with Conservation Chemical Company of Illinois and/or Norman Hjersted in relation to the Site, with respect to purchasing, receiving, supplying, processing, storing, treating, disposing, or otherwise handling hazardous substances, pollutants, contaminants, or materials at the Site. Provide all documents which identify the responsible person(s) for each activity.
7. Did you ever use, purchase, supply, store, treat, dispose, transport, or otherwise handle any hazardous substances, pollutants, contaminants, or materials at or to the Site? If the answer to the preceding question is anything but an unqualified "no," identify:
  - a) the chemical name, composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance, pollutant, contaminant, or material;
  - b) how such hazardous substance, pollutant, contaminant, or material was used, purchased,

supplied, stored, treated, disposed,  
transported or otherwise handled by you;

- c) when such hazardous substance, pollutant, contaminant, or material was used, purchased, supplied, stored, treated, disposed, transported or otherwise handled by you;
- d) where such hazardous substance, pollutant, contaminant, or material was used, purchased, supplied, stored, treated, disposed, transported or otherwise handled by you; and
- e) the quantity of such hazardous substance, pollutant, contaminant, or material used, purchased, supplied, stored, treated, disposed, transported or otherwise handled by you.

8. Identify all persons, including Respondent's employees, who have knowledge or information about the use, purchase, supply, store, treatment, disposal, transport, or other handling of any hazardous materials at or to the Site.

9. Identify all persons, including, but not limited to the Respondent, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances, pollutants, contaminants, or materials at or to the Site. In addition, identify the following:

- a) the hazardous substance, pollutant, contaminant, or material;
- b) the chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance, pollutant, contaminant, or material;
- c) the process for which each hazardous substance, pollutant, contaminant, or material was used or the process which generated the hazardous substance or material or solid waste;
- d) the person(s) with whom Respondent or such other persons made arrangements for disposal or treatment or transportation for disposal or treatment of hazardous substances, pollutants, contaminants, or materials.
- e) the time period during which each arrangement existed between Respondent and each such person;
- f) where such hazardous substance, pollutant, contaminant, or material was used, purchased,

generated, stored, treated, transported, disposed or otherwise handled by you;

g) the quantity (weight or volume) of such hazardous substance, pollutant, contaminant, or material involved in each transaction and the total quantity for all transactions;

h) the amount paid in connection with each transaction, the method of payment, and the identity of the person making the payment;

i) the person(s) who selected the Site as the place where the hazardous substances, pollutants, contaminants, or materials would be disposed;

j) the type and number of containers in which the hazardous substances, pollutants, contaminants, or materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

10. Identify all liability insurance policies held by Respondent from 1967 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

11. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last three years.

12. If Respondent is a corporation, respond to the following requests:

a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

b) Provide Respondent's financial statements for the past three fiscal years, including, but not limited to those filed with the Internal Revenue Service.

13. If Respondent is a Partnership, provide copies of the Partnership Agreement.

14. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

26701

REMOVAL PROGRAM  
INFORMATION REQUESTS

ROUTING SLIP  
(Revised 5/28/93)

Conservation Chemical Site  
(SITE NAME)

Please sign the Yellow and check your name off this page.  
Then pass the document on to the next name.  
Do not sign this page, SIGN THE YELLOW

NAME

- |   |                          |
|---|--------------------------|
| 1. EERB ENFORCEMENT SPECIALIST  | <u>Linda Beasley</u> ✓   |
| 2. EERB ON-SCENE COORDINATOR  | <u>Bill Sims</u> ✓       |
| 3. ESS SECRETARY  | <u>LaRetha Taylor</u>    |
| 4. ORC STAFF ATTORNEY   | <u>Cynthia Kowkani</u> ✓ |
| 5. ESS SECRETARY  | <u>LaRetha Taylor</u> ✓  |
| 6. EERB EMERGENCY SUPPORT SECTION CHIEF   | <u>Jose Cisneros</u> ✓   |
| 7. EERB BRANCH SECRETARY  | <u>Margie Johnson</u> ✓  |
| 8. EERB ACTING BRANCH CHIEF   | <u>Richard Karl</u> ✓    |
| 9. RETURN TO LaRETHA TAYLOR (ESS SECRETARY) FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST. |                          |

DATE MAILED TO PRPs: \_\_\_\_\_